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Evaluation of the Federal Mediation and Conciliation Service Phase I

FINAL REPORT
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Evaluation Directorate ▸ Strategic and Service Policy Branch

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Evaluation of the Federal Mediation and Conciliation Service – Phase 1

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List of Acronyms

FMCS Federal Mediation and Conciliation Service

ESDC Employment and Social Development Canada

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Executive Summary

The report presents the findings and recommendations of Phase I of the evaluation of the Federal Mediation and Conciliation Service (referred to hereafter as "the program") which focusses on the Dispute Prevention and Relationship Development Services (referred to as Dispute Prevention Services) component of the program. This evaluation covers the period between fiscal years 2013 to 2014 and 2016 to 2017.

At the time of the last evaluation (completed in 2014), a national strategy to expand and formalize the Dispute Prevention Services of the program was being developed. As a result, Dispute Prevention Services could not be a part of that evaluation. Therefore, Phase I of this evaluation assesses the extent to which the Dispute Prevention Services component of the program contributed to improving union-employer relationships, preventing workplace disputes, and facilitating negotiations of collective agreements between parties (i.e. unions and employers). Phase II of the evaluation will expand the covered period until fiscal year 2019 to 2020, and will assess how Dispute Prevention Services and the remaining two components of the program (i.e., Dispute Resolution Services and Industrial Relations Advisory Services) contribute to settling disputes related to collective bargaining and preventing work stoppages. It will also assess whether changes that have been made to the program, or are being implemented, are the most appropriate to support the achievement of the program's expected outcomes. The evaluation questions for Phase I and Phase II are listed in Appendix A. The evaluation of the program is in compliance with the 2016 Policy on Results. The evaluation approach for Phases I and II was agreed upon at the February 7, 2017 Performance Measurement and Evaluation Committee meeting.

Dispute Prevention Services is the proactive arm of the Federal Mediation and Conciliation Service, and offers dispute prevention and relationship development assistance to employers and unions in the form of joint training sessions, facilitation, post-training facilitation, grievance mediation, and public workshops. The ultimate goal of the Dispute Prevention Services is to help unions and employers build their own ability to identify issues and resolve workplace disputes, as well as establish sustainable and healthy working relationships with little assistance or need for external intervention. The focus of this evaluation is to assess the contribution of Dispute Prevention Services in fostering smooth negotiations of collective agreements, as well as cultivating collaborative working relationships between unions and employers. Phase II will evaluate the contribution of the program in resolving workplace disputes and preventing work stoppages.

This evaluation concludes that there is a need for the program to explore the promotion of its services and outreach activities to potential clients, clarify the division of roles and responsibilities between the regional offices and Headquarters for accountability and efficient management of services across the country as well as improve its data collection, and monitoring and reporting processes. A summary of the key findings stemming from this evaluation is presented briefly as follows:

Relevance

Dispute Prevention Services addresses a demonstrable and increasing need as expressed by various program officials and clients who have received different types of dispute prevention services. In particular, the program officials and clients perceive that the program provides a service which is unique insofar as it is free of charge, customized to clients' needs, and targeted to federally regulated employers. Particularly, and in addition to the quality of services, clients consistently appreciated the professionalism, neutrality, and knowledge of mediators/conciliators. Dispute Prevention Services also influences and supports other organizations offering similar services outside of the federal jurisdiction through its collaboration with various national and international partners.

Effectiveness

Although the contribution to labour relations cannot be solely associated with dispute prevention services, the majority of clients indicated having experienced improved communication with their counterparts, and as a result, improved union-employer relationships and negotiations of collective agreements. Based on information from the document review and from interviews with key informants, as well as program officials, Dispute Prevention Services has helped parties prevent and better manage workplace conflict, as well as avoid resorting to dispute resolution[1]. Clients indicated that the promotion and outreach activities of dispute prevention services to potential clients could be improved.

Efficiency and Economy

Although the program has made progress in improving data collection and reporting mechanisms, there is a continuing need to improve data collection, and monitoring and reporting of activities and expected outcomes[2] related to dispute prevention services. Based on the various lines of evidence, there is also an indication that the demand for the services is increasing over time. As noted by program officials, the services' limited human and financial resources are restricting its ability to support the promotion and outreach activities related to the services. In addition, this evaluation finds that the services could benefit from increasing collaborations between the regional offices and Headquarters by clearly defining their respective roles and responsibilities and accountability in the delivery of dispute prevention services across the country.

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[1] Dispute resolution services are provided through the services of conciliation and mediation officers – third parties whose mandate is to assist both parties in reaching a mutual agreement.

[2] There are multiple immediate and intermediate outcomes related to dispute prevention services, as outlined in the program's logic model (see Appendix C: Program Logic Model). The ultimate outcome of the program is "Cooperative labour relations are fostered and collective agreements are renewed".

Recommendations

Based on the evaluation evidence, the following recommendations have been developed:

1. Further explore the promotion of dispute prevention services and outreach to potential clients in order to help prevent and reduce uptake of dispute resolution services.
2. Need for clearer accountability and roles and responsibilities between the regional offices and Headquarters in order to support the consistent and efficient management of services across the country.
3. Continue to improve data collection, and monitoring and reporting of activities and expected outcomes related to Dispute Prevention Services to better assess the contribution of the services in improving union-employer relationships, preventing labour disputes, and facilitating negotiations of collective bargaining between parties.

Management Response

Introduction

The Federal Mediation and Conciliation Service appreciates this evaluation process, especially the objectivity, thoroughness and openness exhibited by the evaluators during the process. The evaluation of the program and the recommendations are accurate, in our opinion, in terms of the strengths and value of the program as well as the specific areas of improvement to increase its effectiveness and efficiency. Implementing the recommendations will positively affect our impact on labour relations between unions and employers and on the collective bargaining process.

Recommendations and Responses

First Recommendation: Further explore the promotion of dispute prevention services and outreach to potential clients in order to help prevent and reduce uptake of dispute resolution services.

The program area agrees fully with this recommendation. We recognize the importance of promoting our services and expanding our outreach with clients who are unaware of them. While certain initiatives aiming to promote Dispute Prevention and Relationship Development Services have been undertaken in the past and have had some success, we agree that more systematic, proactive and targeted promotional campaigns could increase the program visibility overall.

Action 1: Create a national client database

Create and maintain a current national database of all program clients to make the distribution of promotional materials more effective. This effort will be undertaken in conjunction with the Labour program-wide enhanced client listings with the new Integrated Labour System (more on this in connection to the Third Recommendation below).

Completion Target Date: January 2019

Action 2: Modernize the program website and use it as a key promotional vehicle

Revise program information and description of services and add information about upcoming events.

Completion Target Date: January 2019

Do a makeover of the website's look and feel.

Completion Target Date: October 2019

Action 3: Create value-added strategic client offers and large-scale promotional campaigns

Create, promote and deploy value-added, strategic client offers (e.g. Facilitated Bargaining Project) and large-scale promotional campaigns (regional and national) for our clientele as a

whole but also for target audiences, using a combination of promotional vehicles (e-mail, regular mail, website, brochures, links to specific campaigns on the website, etc.).

Completion Date: Ongoing

Second Recommendation: Need for clearer accountability and roles and responsibilities between the regional offices and Headquarters in order to support the consistent and efficient management of services across the country

The program accepts this recommendation and recognizes the importance of having a solid organizational structure, with roles and associated accountability clearly defined, to support the consistent and efficient management of services across the country.

Action 1: Clarify current structure

The program will clarify the current organizational structure. The two distinct responsibilities of the regional offices (conciliation, and dispute prevention and relationship development) will be provided an integrated operational accountability structure. This would include the clarification of respective roles and responsibilities between the regional offices and Headquarters. This will better support consistent and efficient management of the services.

Completion Date: January 2019

Third Recommendation: Continue to improve data collection, and monitoring and reporting of activities and expected outcomes related to Dispute Prevention Services to better assess the contribution of the services in improving union-employer relationships, preventing labour disputes, and facilitating negotiations of collective bargaining between parties

The program area agrees fully with this recommendation, recognizing the importance of improving data collection as well as monitoring and reporting of activities and expected outcomes related to Dispute Prevention and Relationship Development Services. We have been working on this kind of initiative for several months.

Action 1: Implementation of a new data collection system

The Labour Program is in the process of implementing a new Integrated Labour System (ILS) which should rectify the data collection and quality issues faced by the program area. The deployment of the program module is planned for June 2018. Should there be implementation delays, the program area will continue to use the current system (Access Database and Excel Spreadsheet) to capture data and generate reports until the new system is fully operational.

Action 2: New data to be collected and strengthened analysis

The program area will begin collecting the following information regarding Dispute Prevention and Relationship Development Services:

- Client requests for dispute prevention services (organizations, date of request, nature of request, region, delivery date, and capacity to grant request in timely manner).

- Summary of Needs Assessment, including recommendations and proposed next steps.
- Clients' perceptions of the impact of dispute prevention intervention(s) on their day-to-day labour relations and/or on their next round of collective bargaining.

This new data, coupled with the ability to cross-reference other data in ILS, will eventually allow for a strengthened quantitative analysis of the impact of interventions to complement qualitative data on clients' perceptions. In particular, ILS data on the outcomes of collective bargaining (stage of settlement) as well as other indicators of the labour relations climate such as occupational health and safety and labour standards complaints, will be used to examine causal linkages over time in order to better evaluate which program activities have the highest impact. Although many other factors influence collective bargaining outcomes, the data improvements will permit much more detailed analysis than has been the case in the past.

Completion Date: January 2019

1. Introduction

The Federal Mediation and Conciliation Service is part of the Labour Program within Employment and Social Development Canada (ESDC) in the federal government. At the national headquarters level, the program consists of three main components, namely: (1) Dispute Resolution Services, (2) Industrial Relations Advisory Services, and (3) Dispute Prevention and Relationship Development Services. The program delivers its core services through mediators/conciliators in six regional offices across Canada. Mediators/Conciliators are at the front-line of delivering dispute resolution and prevention services across the regions. These three components are planned to be evaluated in two phases. Phase I of the evaluation of the program is focused on the Dispute Prevention and Relationship Development Services (referred to as Dispute Prevention Services) component of the program. And, Phase II of the evaluation will be focusing on the remaining two components of the program. This report presents the findings and recommendations stemming from Phase I of the evaluation of the program.

Dispute Prevention Services is the proactive arm of the Federal Mediation and Conciliation Service, and offers dispute prevention and relationship development assistance to employers and unions in the form of joint training sessions, facilitation, post-training facilitation, grievance mediation, and public workshops. The goal of the services is to help unions and employers build their own capacity to identify and resolve workplace issues and disputes, as well as establish sustainable and healthy working relationships with little assistance or need for external intervention. Given this goal, Phase I of this evaluation assesses the contribution of dispute prevention services in fostering collaborative working relationships between unions and employers, as well as improving collective bargaining processes between parties. This first phase of the evaluation covers the period between fiscal years 2013 to 2014 and 2016 to 2017. The second phase will expand the covered period to include fiscal year 2019 to 2020, and will also evaluate the other two components of the program, i.e. Dispute Resolution Services and Industrial Relations Advisory Services. More specifically, Phase II will evaluate the net impact of the program in resolving workplace disputes, reducing the number of work stoppages, and potentially alleviating the negative impacts on the economy.

Multiple lines of evidence were used to respond to evaluation questions outlined in Appendix A. A description of the methods employed (literature review, document and administrative data review, key informant interviews with program officials and clients) and their associated limitations are provided in Appendix B. It is important to note that, based on the administrative data review, information to support a Gender-based Analysis Plus[3] (GBA+) of dispute prevention services was not available for this evaluation.

[3] Gender-Based Analysis+ (GBA+) is an analytical tool used to assess how diverse groups of women, men and gender-diverse people may experience policies, programs and initiatives. GBA+ also considers many other identity factors, like race, ethnicity, religion, age, and mental or physical disability.

2. Program Overview

Within the Labour Program of ESDC, the program seeks to promote sound and cooperative labour relations between trade unions and employers in federally regulated workplaces[4]. The program does this by assisting unions and employers in the negotiation and renewal of collective agreements, as well as the management of the relations resulting from the implementation of the agreements.

The industrial relations framework and regulation of collective bargaining practices are established in Part I of the Canada Labour Code and in the Canada Industrial Relations Regulations. Conciliation[5], mediation[6] and arbitration[7] are key concepts of labour relations that involve the intervention of a neutral third party with no vested interest other than the resolution of the dispute. The main role of the program is centered on assisting parties in their collective bargaining process in order to support parties in resolving labour disputes, as well as preventing any resulting work stoppage.

The workload of the program is mainly driven by labour disputes across Canada as they arise. While dispute resolution remains the main part of its mandate, the program also aims to work with parties in the closed period of a collective agreement in order to identify and address issues that affect their relationship and that may have a potential impact on future rounds of collective bargaining. Requests for dispute prevention services are received by the program on an ad-hoc basis, and are primarily managed by the regional offices. These requests are scheduled based on the dispute resolution caseload, to which the program is bound by legislated timelines.

The program delivers its three core services outlined below through, approximately, twenty (20) mediators/conciliators housed in six regional offices across Canada. Mediation and Conciliation Officers are responsible for delivering both dispute resolution and dispute prevention services and report directly to the Director General of the program. The logic model of the program is provided in Appendix B and outlines the various activities, outputs, and expected outcomes of the program.

The **Dispute Resolution Services** is responsible for the appointment of mediation and conciliation officers under Sections 72 and 105 of the Canada Labour Code to assist with

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[4] Federally regulated workplaces include, for example, banking; telecommunications; broadcasting; air, interprovincial rail, road and pipeline transportation; shipping; uranium mining; grain handling along with workplaces in the territories, aboriginal public administration and some Crown Corporations.

[5] Conciliation: The process is triggered when the program receives a Notice of Dispute from one bargaining party or another, pursuant to Section 71 of the Canada Labour Code. The Minister then has fifteen days to appoint a conciliation officer for a mandatory period of 60 days. During this period, the mediation and conciliation officer will work with both parties to try and resolve bargaining issues. (Source: Performance Measurement Strategy of FMCS – Dated: November 2016)

[6] Mediation: Should there be no agreement after the 60-day timeline; parties are required to undergo a 21-day "cooling off" period. Mediation will usually start during this period and is voluntary for parties to undergo. Only after this 21-day period can either party decide to declare a strike or a lock-out. (Source: Performance Measurement Strategy of FMCS – Dated: November 2016)

[7] Arbitration: Dispute Resolution Services manages appointments of third-party external arbitrators to resolve disputes arising from the application or the interpretation of collective agreements (grievance arbitration) in cases where parties cannot agree on the choice of an arbitrator. (Source: Performance Measurement Strategy of FMCS – Dated: November 2016).

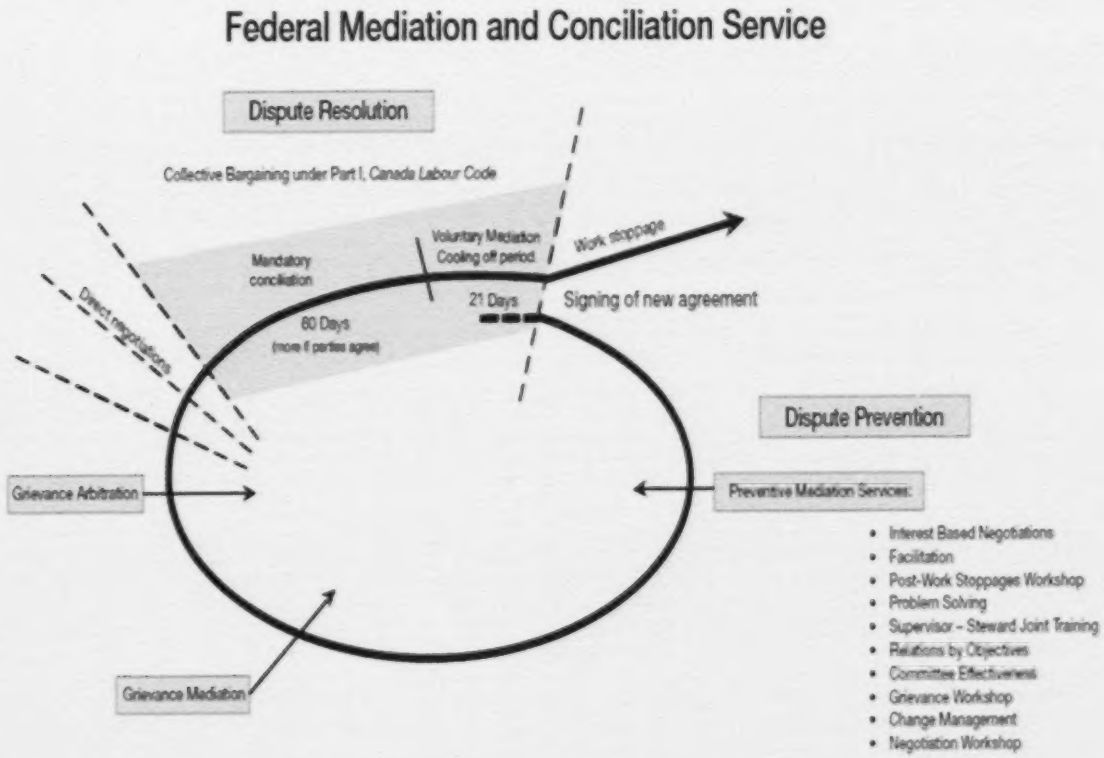
resolving collective bargaining disputes. The main difference between conciliation and mediation is legislative, with conciliation being a mandatory step of dispute resolution under the Canada Labour Code, while mediation remains a voluntary process. It also manages appointments of third-party external arbitrators to resolve grievances arising from the application or the interpretation of collective agreements in cases where parties cannot agree on the choice of an arbitrator. In addition, this unit is responsible for appointments of third party external adjudicators made under Part III to resolve unjust dismissal complaints and the appointment of referees for wage recovery complaints in non-unionized workplaces under the federal jurisdiction. Under the Wage Earner Protection Program Act, Dispute Resolution Services also handles the appointment of adjudicators to examine decisions on matters of law, or jurisdiction. Finally, mediation assistance is also provided under the Status of the Artist Act to artists and producers in the negotiation of scale agreements.

The **Industrial Relations Advisory Services** is the policy and research arm of the program. This component of the program conducts research and analysis and provides advice to the Minister of Labour on the management of high profile labour disputes affecting the public interest and on a range of industrial relations issues. This unit also provides technical expertise to inter- and intra-departmental committees on the subject of labour relations in federally-regulated jurisdictions, and occasionally coordinates legislative initiatives, such as emergency back-to-work legislation. In addition, this unit provides mediation and conciliation officers with intelligence that supports the mediation/conciliation process.

The **Dispute Prevention and Relationship Development Services** (referred to as Dispute Prevention Services) is the proactive arm of the program and offers dispute prevention and relationship development assistance to employers and unions in the form of joint training sessions, facilitation, post-training facilitation, grievance mediation, and public workshops (i.e. Labour Relations and the Negotiation Cycle Workshops and Interest-Based Negotiation Workshops). A detailed description of these services is outlined in Appendix D. Dispute Prevention Services provides these services during the "closed period" of the collective agreement. Dispute prevention services are delivered by mediation and conciliation officers across Canada. Dedicated resources (currently the Director of Dispute Prevention Services and his/her administrative support) are focused on developing and co-delivering training and supporting mediation officers in regions in the delivery of services. The overall goal of Dispute Prevention Services is to help employers and unions better prevent and manage workplace disputes and develop more collaborative relationships for the purposes of negotiating an agreement in a more collaborative manner during future rounds of bargaining, as well as better manage the day-to-day issues that arise in the workplace and thereby improve labour relations between unions and employers.

Figure 1 below illustrates the conciliation, mediation, and arbitration processes, and shows where dispute prevention and relationship development services fall during the life cycle of a collective agreement.

Figure 1: Process of Dispute Resolution and Dispute Prevention throughout the Life Cycle of Collective Agreements



Source: Performance Measurement Strategy of the Federal Mediation and Conciliation Services – Dated: November 2016

3. Relevance

Dispute Prevention Services is aligned with federal roles and responsibilities, as well as Employment and Social Development Canada's priorities and strategic outcomes. The services address a demonstrable and increasing need, and complement other available services towards a common goal of creating harmonious and cooperative labour relations. Dispute Prevention Services are perceived to be unique by program officials and clients. Its collaborations with various national and international partners influence and support other areas of dispute prevention services.

3.1 Need for Dispute Prevention Services

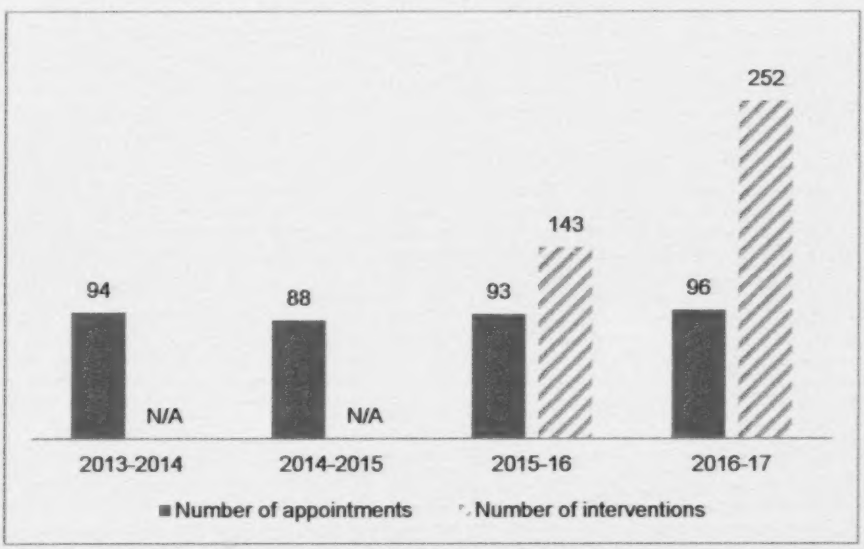
The document review and key informant interviews reveal that the program addresses a demonstrable need in supporting federally regulated employers with the resolution and

prevention of labour disputes. There is also an indication that there is an increasing need for the services over time, based on the document and administrative review and the views of key informants.

Program officials[8], interviewed for this evaluation, have consistently noted that they have experienced an increase in the demand for dispute prevention services over time. Participants in dispute prevention activities, interviewed for this evaluation, have confirmed a need for the services and have expressed their interest in seeking other types of dispute prevention services in the future. Particularly, those participants have expressed the need for support from Dispute Prevention Services, as a neutral third party, in the development of collaborative relationships, the resolution of grievances and underlying issues, and the facilitation of discussions and collective bargaining negotiations.

Based on available data, there is also an indication that the number of dispute prevention services has significantly increased between fiscal years 2015 to 2016 and 2016 to 2017. However, it is important to note that a new methodology for tracking dispute prevention services was adopted in fiscal year 2015 to 2016. Figure 2 below shows the number of dispute prevention services based on the results stemming from two different data collection methods (i.e. dispute prevention appointments and dispute prevention interventions).

Figure 2: Number of Dispute Prevention Services (Between fiscal years 2013 to 2014 and 2016 to 2017)



Source: Federal Mediation and Conciliation Service Annual Reports (Between fiscal years 2013 to 2014 and 2016 to 2017)

Before fiscal year 2015 to 2016, Dispute Prevention Services used to track the number of services based on the number of appointments. Appointments constitute the initial request for a

[8] Program officials include Mediators/Conciliators, Regional Directors, and program representatives (Headquarter of Dispute Prevention Services).

service which can be for one or multiple dispute prevention services offered by mediators/conciliators. The new methodology takes into consideration the number of dispute prevention "interventions" (i.e. services) offered for each appointment, which reflects the extent to which mediators/conciliators have invested time and resources in providing services to clients. An assessment of the number of interventions shows that the number of dispute prevention interventions increased by 76%[9] between fiscal years 2015 to 2016 and 2016 to 2017. As dispute prevention services are based on requests received from clients, this may be an indication[10] that the number of requests for dispute prevention services is, overall, increasing over time.

3.2 Distinctiveness of Dispute Prevention Services

Based on the views of clients and program officials, Dispute Prevention Services is perceived to be unique.

There are other organizations in Canada that provide dispute prevention services, such as universities, private companies, law firms, and private consultants. In addition, provinces provide similar dispute prevention services to unions and employers under the provincial jurisdictions. That said, Dispute Prevention Services target and are specific to federally regulated employers. Overall, Dispute Prevention Services is perceived, by clients and program officials interviewed for this evaluation, to be unique for the following reasons:

1) The quality of services provided by mediators/conciliators, as well as their knowledge, expertise, and in-depth understanding of the various industries.
2) The neutrality of mediators/conciliators that contributes to its uniqueness in comparison to other services.
3) The dispute prevention services are free-of-charge compared to other services. This creates an incentive for clients, especially smaller organizations, to seek the services at no cost.
4) The dispute prevention services are comprehensive and customized based on the needs of clients and the issues in question.
5) The educational aspect by providing relationship development assistance, jointly, to unions and employers to help foster collaborative working relationships. Clients have also appreciated the interpersonal support provided by mediators/conciliators throughout the dispute prevention process.

This evaluation reveals that, based on the views of interviewed clients and program officials, Dispute Prevention Services is unique given it is free of charge, customized to clients' needs, and targeted to federally regulated employers. In addition to the quality of services, clients

[9] It is important to note the change in the method of collecting information related to dispute prevention services, as well as the implementation of a new database to capture this information. This could impact the validity of available data. This is further discussed in section related to Data Collection, Monitoring and Reporting Processes).

[10] Definitive conclusions cannot be made with respect to the increase in demand, and the available data is only "indicative" of an increase in the demand for dispute prevention services. The program does not track the number of requests for dispute prevention services; therefore, there is a lack of evidence with respect to the level of demand for the services.

consistently appreciated the professionalism, neutrality, and knowledge of mediators/conciliators.

3.3 Alignment with Federal Roles and Responsibilities

Based on the review of relevant documents and the perspectives of program officials, the program, including Dispute Prevention Services, aligns with federal roles and responsibilities.

In the Budget 2011, the government recognized the importance of dispute prevention services in helping unions and employers to develop collaborative working relationships, as well as the need to expand of the services. The government invested one million dollar over two years to support the expansion of dispute prevention services, and an ongoing funding of $500,000 annually was confirmed beyond the initial two years.

The Federal Mediation and Conciliation Service operates under the provisions of Part I of the Canada Labour Code[11]. The Code defines the program's mandate in terms of assisting parties in the negotiation and management of their collective agreements, as well as advising the Minister of labour on labour relations matters. It also emphasizes the role of the program in fostering harmonious labour-management relations and the importance of cooperative relationships between labour and management. These priorities are directly in line with the mandate of Dispute Prevention Services. The program also has responsibilities under Part III of the Canada Labour Code, as well as the Wage Earner Protection Program Act[12] and the Status of the Artic Act[13] not covered by this evaluation.

There was also general consensus across program officials that Dispute Prevention Services aligns with federal roles and responsibilities, as it prevents labour disputes and work stoppages which could have a negative impact on the workplace environment and productivity.

3.4 Alignment with Departmental Priorities and Strategic Outcomes

Based on the review of relevant documents, the program, including Dispute Prevention Services, aligns with ESDC's departmental priorities and strategic outcomes.

More specifically, evidence from departmental[14] and program documents shows that Dispute Prevention Services aligns with ESDC's strategic outcome of "safe, healthy, fair and inclusive work environment and cooperative workplace relations"[15]. The document review shows that Dispute Prevention Services contributes to this strategic outcome by supporting federally regulated unions and employers in developing collaborative working relationships, by offering a range of dispute prevention and relationship development services to parties. These services

[11] Canada Labour Code – Last amended on June 22, 2017
[12] Wage Earner Protection Program Act (Last amended on March 1, 2013)
[13] Status of the Artist Act (Last amended on June 19, 2017)
[14] ESDC Departmental Performance Reports and ESDC Reports on Plans and Priorities
[15] ESDC Reports on Plans and Priorities (Between fiscal years 2013 to 2014 and 2017 to 2018)

are in the form of joint-training, facilitation, post-training facilitation, grievance mediation, and public workshops (see Appendix D).

Based on the document review, one of the expected results under ESDC's Labour Program is that labour relations are cooperative, and Dispute Prevention Services contributes directly to this goal by working towards fostering collaborative relationships and smooth negotiations of collective agreements between unions and employers. Notably, the document review shows that ESDC is committed to expanding its dispute prevention services to build cooperative labour relations, which has been one of the goals of the program since the injection of additional funds by the government in 2011.

3.5 Collaboration with and Influence on External Partners and Other Areas

Through its collaborations with its provincial and international counterparts, Dispute Prevention Services has been contributing to influencing and supporting its partners in the area of dispute prevention services.

The document review and key informant interviews reveal that Dispute Prevention Services collaborates and exchanges best practices with provincial jurisdictions, international partners, as well as through various national committees and initiatives. These collaborations influence and support other areas of dispute prevention services at both the national and international levels.

In particular, Dispute Prevention Services has partnered with the provinces to deliver and co-host public workshops to federal and provincial jurisdictions. For instance, the document and administrative data review show that in fiscal year 2015 to 2016, seven (7) public workshops were offered by Dispute Prevention Services in collaboration with five (5) Canadian provinces. And, in fiscal year 2016 to 2017, three (3) public workshops were offered collaboratively with one of the Canadian provinces. These collaborations have strengthened the ties between the program and its provincial counterparts, and have supported the exchange of information and best practices. It was noted by interviewed clients and program officials that these collaborations are particularly helpful to support the provinces in strengthening their dispute prevention services.

Both federal and provincial governments have committed to sharing expertise and resources through their participation in the Canadian Association of Administrators of Labour Legislation. The lead department of this horizontal initiative is ESDC's Labour Program and the Provincial Departments of Labour. In addition, the program collaborates and exchanges best practices with other partners, such as the Canada Industrial Relations Board, the Canadian Labour Congress, as well as select universities and research centres.

The program has also contributed to advancing dispute prevention activities at the international level by engaging in various bilateral collaborations and seminars with other countries, such as China, Chile, Argentina, and France (see Figure 3).

Figure 3: Collaborations between Dispute Prevention Services and International Partners

Canada-China Joint Seminar on Labour Dispute Resolution
2013
Canada-China Joint Seminar on Collective Bargaining and Labour Dispute Resolution
2014
Cooperative Activity on Mediation and Conciliation between Canada and Argentina
2015
Bilateral Cooperation in the Rial Canada-Chile
Collaborations with France
2016
Collaborations with France
2017

The exchange allowed various parties to contribute to, and understand how mediation and conciliation processes, as well as dispute prevention services are taking place in different countries. Overall, it supported the exchange of innovative and practical solutions with respect to addressing challenges in Labour Relations.

4. Effectiveness

Overall, almost all interviewed participants in dispute prevention services are highly satisfied with the services provided by Dispute Prevention Services. Mediators/Conciliators were consistently identified as one of the greatest strengths of the services. Although the contribution to labour relations cannot be solely associated with dispute prevention services, almost all clients indicated having experienced improved communication between parties and improved union-employer relationships as results of the services received. There is evidence, from the document review and interviews with program officials and clients, that dispute prevention services has contributed to improved negotiations between parties, and has helped parties better prevent and manage workplace conflict. One of the key areas for improvement that arose is related to the promotion and communication of dispute prevention services to clients, as well as outreach to potential clients.

4.1 Client Satisfaction and Quality of Services

Overall, clients were highly satisfied with the services provided by Dispute Prevention Services. The quality of the services and the skills of mediators/conciliators were consistently emphasized by clients.

Depending on the type of service, clients found that the support provided by mediators/conciliators was of high quality. The experience, knowledge, competence, and neutrality of mediators/conciliators were identified by the majority of respondents as the greatest strengths of the services.

> "They are absolutely stellar people [...] this is the best government service. I have lived in both the United States and Canada, and it is the best I have seen in either country".
> **Participant in training workshop**

Almost all participants in the various types of dispute prevention activities (see Appendix D) would highly recommend the services to other organizations and would be interested in seeking other types of dispute prevention services in the future. Clients also appreciated the interpersonal support that was provided by mediators/conciliators throughout the dispute prevention process. Their engagement, openness, transparency, and tactfulness were consistently noted and greatly appreciated by clients.

> "If we had not gone to mediation and if the mediators had not mentioned it, we would not have been aware that these services existed". **Participant in Post-Training Facilitation**

Suggestions for improvements by clients were related to the promotion of dispute prevention services, outreach, as well as the availability of resources. These findings are discussed in further detail in the next sections on Promotion, Awareness and Outreach.

4.2 Contribution of Services to the Labour Relations of Unions and Employers

Although the contribution to labour relations cannot be solely associated with dispute prevention services, many success stories demonstrate that participants in dispute prevention activities are better equipped to reach collective agreements in a collaborative manner and are able to better manage workplace conflict and prevent disputes before they occur. The services improved communication between clients, and therefore, helped improve working relationships between parties. Clients gained new perspectives in addressing conflict and resolving issues without resorting to conciliation or arbitration.

4.3 Contribution to Negotiations of Collective Agreements

Based on the views of interviewed participants in training workshops, public workshops, facilitation, and post-training facilitation, who were interviewed for this evaluation, there is a consistent indication that Dispute Prevention Services has contributed to improving communication between parties and their working relationships, and therefore, contributed to improving their negotiations of collective agreements.

It is important to note that there are many factors involved that could impact negotiations of collective agreements and the relationships between unions and employers. These factors include, among others, the willingness of unions and employers to engage in the dispute prevention process, as well as the decision-making process of both parties.

The evaluation evidence demonstrated the following:

- The majority[16] of interviewed participants in training workshops, public workshops, facilitation, and post-training facilitation services, who were interviewed for this

[16] Only two out of ten participants in workshops have stated that the training workshops had no influence on their negotiation approach or have yet to contribute to their bargaining process as negotiations haven't begun yet.

evaluation, have significantly contributed to improving communication and working relationships between parties. Improved communication has helped clients reach collective agreements in a collaborative and efficient manner. It also helped clients develop and re-establish trusting relationships. As a result, several clients stated being able to prevent disputes and avoid conciliation or arbitration.

- With the help of a neutral third party (i.e. mediators/conciliators), employers and unions were able to learn how to adopt better communication and negotiation approaches without falling into a conflictual mode. Many clients stated that the services helped them gain a different perspective and understand the reality of both parties at the bargaining table.
- Clients were able to develop new skills, and learn and practice notions learned with real life examples.

As for the areas for improvement, one client suggested that, in addition to interest-based negotiation workshops[17], it would be beneficial to have workshops in other areas of interest[18]. In addition, program officials have noted the need for Dispute Prevention Services to track the participation of clients in dispute prevention activities, their experiences, and the results of future negotiations. This would allow the program to monitor and measure results by tracking success of collective bargaining processes. The monitoring and reporting of results is further discussed in the section on Efficiency and Economy.

4.4 Contribution to the Prevention and Management of Workplace Conflict

Based on the views of participants in training workshops, facilitation, public workshops, and post-training facilitation, the different types of dispute prevention services helped clients better prevent and manage workplace conflict.

Participants in training and public workshops experienced improved union-employer relationships, as noted by participants in those activities interviewed for this evaluation. They were able to use concepts learned at the training, including the Interest-Based Negotiation process, in their day-to-day activities in order to resolve workplace issues. Clients also indicated that their participation in training workshops helped them develop relationships based on openness, transparency, and honesty. It also helped them develop a collaborative mindset which contributed to preventing labour disruptions. As revealed by one of the key informants, relationship building and applying notions learned may be particularly challenging for large organizations with clients located in different regions.

Participants in facilitation sessions, who were interviewed for this evaluation, provided them with an opportunity to interact, communicate, and resolve issues collaboratively, instead of resorting to legal action. Several participants stated that facilitation services improved their

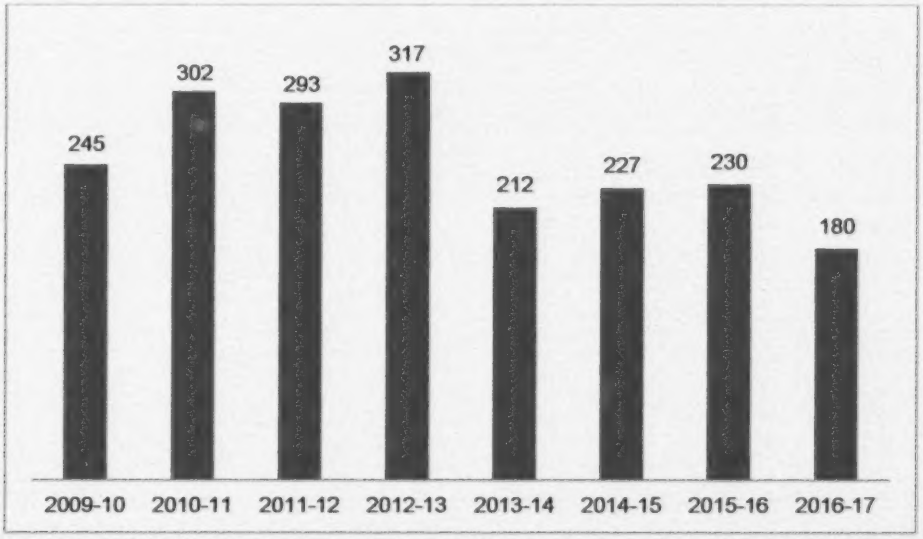
[17] Interest-Based Negotiation Workshops are offered by Dispute Prevention Services. Interest-Based Negotiations is an approach used to create a more open negotiation process through information-sharing, joint problem solving and full participation between parties at the negotiation table. The workshop encourages clients to consider alternative ways to the traditional approach of collective bargaining by opening-up the range of potential solutions.

[18] Other suggested subjects for workshops are with respect to monetary benefits and industry standards.

union-employer relationships and enabled parties to take a collaborative approach in solving problems on their own. It re-established trust between parties which is regarded as a key factor in negotiations. Participants in post-training facilitation stated that the facilitation sessions helped them establish "long-lasting" working relationships with continuous communication and open dialogue. It helped participants gain an objective view, as well as resolve underlying, core issues in order to improve their working relationships with their counterparts. Dispute Prevention Services helped them practice new communication techniques, deal with problematic situations, and prevent grievances through improved communication practices.

Dispute Prevention Services is one of the factors that could potentially contribute to a decrease in the number of collective bargaining disputes. As noted by several interviewed clients, dispute prevention services helped parties avoid resorting to dispute resolution services. Figure 4 below shows the number of notices of disputes since fiscal year 2009 to 2010.

Figure 4: Collective Bargaining Disputes (Between fiscal years 2009 to 2010 and 2016 to 2017)



Source: Federal Mediation and Conciliation Services Annual Reports (Between fiscal years 2013 to 2014 and 2016 to 2017)

In 2013, Dispute Prevention Services developed the national strategy to formalize dispute prevention services across the country. The average number of disputes before and after 2013 was assessed, and it shows that the number of notices of disputes decreased by 27% after 2013. The average number of disputes between fiscal years 2009 to 2010 and 2012 to 2013 was 289, while the average after fiscal year 2013 to 2014 was 212. The decrease in the number of disputes could be an indication that union-employer relationships are improving, leading to a decrease in the number of disputes.

4.5 Contribution of Grievance Mediation

There is evidence from key informant interviews that grievance mediations helped reduce workplace conflict by creating dialogue between parties, and by helping unions and employers resolve the backlog of grievances. In some instances, parties were able to resolve issues through grievance mediation, and therefore, did not have to seek conciliation/arbitration. There is no clear indication of the existence of a direct relationship between the number of grievance mediation requests and the state of union-employer relationships, and if one has an impact on the other. Therefore, in this evaluation, evidence related to the contributions of grievance mediation is determined by the experiences and views of participants in grievance mediation.

Grievance mediation is the last process before which clients resort to conciliation/arbitration. Interviews with key informants revealed that, with the support of mediators, almost all[19] parties were able to resolve a significant number of grievances, ranging from 125-350 grievances, within a short period of time. Clients stated that the grievance mediations helped establish a trusting relationship between unions and employers which was lacking prior to their involvement in Dispute Prevention Services. It helped clients learn how to address issues objectively, and fostered communication between both sides which improved the relationships between parties. In particular, it was noted that mediators were able to create a safe environment for them to discuss matters, and brought a neutral assessment and view in addressing disagreements.

Participants in grievance mediation, interviewed for this evaluation, noted that the greatest strength of the grievance mediation process is the mediators. Their neutrality, knowledge, experience, and understanding of the industries were greatly appreciated by the parties involved. They think "outside the box" in order to resolve issues and help clients reach consensus. In addition, clients have appreciated the interpersonal support provided by mediators/conciliators, their accessibility throughout the process, as well as their flexibility in meeting the needs of clients.

Certain program representatives and participants in dispute prevention services, interviewed for this evaluation, pointed out the need to create a balance in the background of mediators/conciliators. There is an indication that the majority of mediators/conciliators are former union representatives, and the services may benefit from hiring more mediators/conciliators who were formerly employer representatives to complement its composition, as suggested by certain interviewees. However, the program's ability to hire mediators/conciliators with a certain background may be limited, and this may also rely on multiple factors that were not explored for the purposes of this evaluation. In addition, and with respect to the background of mediators/conciliators, it was noted by one of the participants in grievance mediation that Dispute Prevention Services could benefit from ensuring the

[19] Only two clients stated that the parties were not able to reach consensus in certain cases, and that in those situations, the mediators did not have the power or control over making decisions and/or determining the truthfulness of statements made throughout the mediation process. In these cases, the union-employer relationships are slowly improving.

availability of more bilingual mediators/conciliators within each region in order to support the varying needs and demands of clients.

4.6 Benefits of Post-Training Facilitation and Follow-ups

Participants in facilitation, grievance mediation, and post-training facilitation, interviewed for this evaluation, particularly appreciated the regular communication established with the mediators/conciliators, and the direct and interpersonal relationships that mediators/conciliators have developed with them. For this reason, participants in those activities did not perceive a formal follow-up to be necessary, and appreciated the informal, ongoing and open discussions with mediators/conciliators throughout the dispute prevention activities.

Participants in those activities noted that follow-ups by mediators/conciliators were in the form of ongoing, informal discussions throughout the dispute prevention process. There is no formal follow-up process in place. Participants appreciated the ongoing discussions and did not hesitate to contact their mediators/conciliators. When asked if a formal follow-up would have been beneficial, the majority of clients did not express that a formal follow-up was necessary. The direct and interpersonal relationships that mediators/conciliators established with their clients were perceived to be the most appropriate. The informal and interactive approach was appreciated by clients as it allowed parties to stay on track and move forward with the process. It allowed clients to provide feedback throughout the dispute prevention process, as well as address and resolve issues immediately with the assistance of mediators/conciliators. The need for follow-ups differs on a case-by-case basis.

With respect to participants in facilitation sessions, some clients received follow-ups following their sessions. Mediators/conciliators would contact clients to check-in on the status of their collective agreement and the union-employer relationship following the facilitation sessions. In particular, participants in post-training facilitation indicated that the services helped parties establish "long-lasting" relationships with continuous communication and open dialogue. It helped parties successfully and gradually resolve grievances, and it helped them gain a new perspective. Similarly, participants in post-training facilitation who have not received a follow-up did not find that there was a need for one.

Similarly, most participants in training workshops, interviewed for this evaluation, had informal discussions with mediators/conciliators and were able to provide feedback and discuss arising issues in-person and throughout the training. They stated that the process was overall interactive, and did not find the need for formal follow-ups.

4.7 Promotion, Awareness and Outreach

Dispute Prevention Services has put effort into increasing awareness of its services, however, the promotion and outreach activities related to dispute prevention services were identified as an area for improvement by clients. The program's ability to promote the

> "I think that FMCS should publicize their services more [...]. They should also be more present in the workplace; be there to market their product more."
> **Participant in Public Workshop**

services is limited by insufficient financial and human resources, as emphasized by program officials who were interviewed for this evaluation.

The primary[20] promotional tools for Dispute Prevention Services are mediators/conciliators and public workshops. It was noted by program officials that the promotion of the services is mainly done by word-of-mouth when mediators/conciliators and clients are engaged in a dispute resolution process (i.e. conciliation/mediation). Program officials have consistently noted the importance of in-person relationships developed between mediators/conciliators and their clients. Clients of Dispute Prevention Services are those who were aware of the services through a previous dispute resolution process. Based on the views of key informants, mediators/conciliators are not consistently and frequently promoting services to potential clients because the current financial and human resources could not support increasing demands, as a result of increased promotion. It was particularly noted by mediators/conciliators that certain regions have the time to promote dispute prevention services while other regions, where the workload in conciliation/mediation is higher, do not have sufficient time to proactively promote their services.

Dispute Prevention Services organizes public workshops to increase visibility of its services, as well as promoting and raising awareness of the full range services. While some clients noted that public workshops raised their awareness of Dispute Prevention Services, other respondents noted that those workshops did not help increase their awareness of other dispute preventive services. There is no indication of the extent to which these workshops have raised the awareness of participants in public workshops given that no data[21] is being collected on this aspect. However, key informant interviews reveal that most participants in dispute prevention activities have participated in more than one type of dispute prevention activity, provided by Dispute Prevention Services, throughout the years. This is an indication that clients may have had a positive experience and have appreciated the contributions of the support provided by Dispute Prevention Services. Clients who haven't used the services more than once indicated that they would not hesitate to seek the services in the future, if needed.

Suggestions for improvements by clients were mostly related to Dispute Prevention Services' outreach and promotional activities. It was suggested that the program could benefit from increasing outreach activities for potential clients who may not know about the services and may need their support. In that regard, Dispute Prevention Services has developed a preliminary plan to launch a new initiative, entitled "Facilitated Bargaining Project"[22], in September 2017. The purpose of the project is to proactively address the needs of clients who are looking to prepare for an upcoming round of collective bargaining and require support from Dispute Prevention Services. There is also a need to better communicate the availability and schedule of dispute prevention services to clients throughout the year. Program officials have consistently noted that the program has limited financial and human resources to strengthen

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[20] Other promotional tools include: a website, handouts and brochures, blast e-mail invitations for public workshops, and word-of-mouth at various regional and national meetings and conferences offered by the program.

[21] There are no metrics around the level of awareness of clients of Dispute Prevention Services. Clients who were interviewed have received dispute prevention services, and therefore, are already aware of the services. This is linked to one of the limitations of this evaluation.

[22] Plan for the Launch of the "Facilitated Bargaining Project" (developed in September 2017)

and increase the promotion of the services, as well as support increased demand as a result of increased awareness of the services.

5. Efficiency and Economy

The evaluation identified the following areas for improvements with respect to the efficiency of the services:

1. The collection of data, and the monitoring and reporting of activities and expected outcomes related to dispute prevention services.
2. The lack of clear governance and accountability around the roles and responsibilities related to dispute prevention services across the country.

5.1 Data Collection, Monitoring and Reporting Processes

While Dispute Prevention Services has made considerable effort to monitor activities and outputs, the evaluation reveals that additional attention is required to track the number of requests for dispute prevention services, and monitor and measure the achievement and contributions towards expected outcomes[23].

Dispute Prevention Services developed a standardized monitoring process to track dispute prevention activities across the country. The main data gathering process for Dispute Prevention Services consists of weekly reports completed by mediators/conciliators to report on dispute resolution and prevention activities for their respective regions. These reports have shown to increase collaborations and the exchange of information between various regional offices and Headquarters. In addition, Dispute Prevention Services has recently developed a new database in fiscal year 2016 to 2017 to store, manage, and report on data collected through weekly reports. The weekly reports completed by mediators/conciliators and new database are not systemically linked, therefore, data is manually inputted into the database by the Headquarter of Dispute Prevention Services. While the implementation of the new monitoring mechanism and internal database can be seen as improvements since the last evaluation, the administrative data review revealed inconsistencies and discrepancies in data related to Dispute Prevention services, which makes it difficult to rely on those data for the purposes of this evaluation. There is also a lack[24] of a consistent, centralized gathering process of feedback received from clients who have participated in different dispute prevention activities.

It is also important to note that, based on the administrative data review, there is an indication that the number of requests for dispute prevention services is not monitored and captured by Dispute Prevention Services. The number of services offered is monitored based on the information provided by mediators/conciliators through weekly reports. This implies that

[23] See Appendix B for the program's logic model

[24] Document and Administrative Data Review in Support of the Evaluation of the Federal Mediation and Conciliation Service – December 2017

Dispute Prevention Services would not have the necessary information to monitor the varying levels of demand across the regions.

The program also developed a Performance Information Profile in 2017 to support monitoring and reporting on activities, outputs and outcomes related to the various components of the program. With the current database and reporting processes in place, Dispute Prevention Services is able to solely report on metrics related to the number of dispute prevention services (i.e. activities and outputs). It was noted by program officials that the type of information gathered does not support the measurement of outcomes and contributions related to dispute prevention services. The internal database does not generally support the retention and management of this type of information in a detailed and organized manner. For those reasons, program officials highlighted the need for Dispute Prevention Services to monitor and take into consideration the following information for monitoring and reporting purposes:

- Experiences of unions and employers who participate in dispute prevention activities
- History of union-employer relationships
- Training needs[25] identified for clients, including potential clients who may benefit from dispute prevention services
- Expiry dates of collective agreements

The monitoring of this type of information would allow program officials to proactively anticipate and manage demand for dispute prevention services. It would also be beneficial to monitor improvements in the negotiations of collective agreements and union-employer relationships following clients' participation in dispute prevention activities. This would allow the program to measure and monitor expected outcomes and contributions of services. In order to track this type of information, there may be an opportunity to expand both quantitative and qualitative measures, as well as enhance data collection processes across the regions to support the centralized gathering and monitoring of data related to dispute prevention services.

It is also important to note that, based on the administrative data review, information to support a Gender-based Analysis Plus (GBA+) of dispute prevention services was not available for this evaluation. Going forward, the program could explore opportunities to support a GBA+.

5.2 Financial and Human Resources

Program officials have indicated that currently available resources are not sufficient to support the expansion, promotion, and outreach activities of the services.

The document review shows that, during the first quarter of 2016, a promotion strategy of Dispute Prevention Services was developed by Headquarters but could not be implemented given that Dispute Prevention Services couldn't focus on generating additional demand at that point in time. It was consistently noted by program representatives, interviewed for this evaluation, that the increase and shift in demand could not be supported with the current

[25] Mediators/conciliators conduct needs/diagnostics assessment to gather information about dispute prevention needs for clients who have submitted a request to receive dispute prevention services.

financial and human resources. As shown in Table 1 the budget of Dispute Prevention Services accounts for 7% to 11% of the overall program budget between 2013 and 2017.

Table 1: Program and Dispute Prevention Services Budget (Between fiscal years 2013 to 2014 and 2016 to 2017)

Year	Total Program Budget	Dispute Prevention Services Budget	Dispute Prevention Services Expenditures	Dispute Prevention Services Budget of the total Program Budget (Percentage of)
2013	$6,404,509	$569,300	$444,039	9%
2014	$6,756,755	$734,616	$604,376	11%
2015	$6,811,551	$707,809	$593,216	10%
2016	$6,426,955	$474,268	$422,436	7%
2017	$6,481,697	$539,622	$436,065	8%

Source: ESDC Corporate Management System

The reported expenditures for Dispute Prevention Services accounted for 81% of the total allocated budget for the services in 2017.

With the available resources, one of the main activities undertaken to expand dispute prevention services has been the development and implementation of public workshops starting fiscal year 2013 to 2014. These workshops are an avenue to provide training to members of the Canadian labour-relations community (i.e. clients, university students, and Labour Relations specialists), as well as raise awareness of Dispute Prevention Services. These workshops are offered at the regional level and have attracted around 300[26] attendees on a yearly basis.

Internal key informants highlighted that the demand for dispute prevention services varies from time to time as it is highly dependent on the state of the economy. As previously shown, the number of dispute prevention services has increased in the recent years (between fiscal years 2015 to 2016 and 2016 to 2017). Program officials, interviewed for this evaluation, noted that they have experienced an increased shift in the demand for dispute prevention services over time. The global challenges and the economy are some of the factors that are driving the increase in demand for dispute prevention services, as indicated by program officials. It was also noted that the demand may have increased due to increased awareness of Dispute Prevention Services through public workshops, as well as the quality of the services provided. Moreover, and as indicated by program representatives, the level of demand varies between regions, signifying that some regions face higher demand than others. Therefore, Dispute Prevention Services' need for financial and human resources may vary from one region to another. In addition, and as noted by program officials, there is an indication that the focus of

[26] Document and Administrative Data Review in Support of the Evaluation of the Federal Mediation and Conciliation Service – December 2017. There were discrepancies in the numbers of participants in public workshops reported on a yearly basis, therefore, an approximate number was provided.

employers and unions is shifting towards dispute prevention, and clients are becoming aware that there is another avenue to resolve issues prior to getting into potential labour disruptions.

While few key informants stated that there are no competing priorities between Dispute Prevention Services and Dispute Resolution Services, most program representatives stated that dispute resolution takes priority over dispute prevention services due to the potential consequences of labour disputes and the associated legislated time periods, pursuant to Part I of the *Canada Labour Code*. For instance, program officials have brought mediators/conciliators from different regions in order to meet the needs for dispute prevention services where they are most required. The need for additional resources was also mentioned by several participants in dispute prevention services, interviewed for this evaluation, as it was apparent that mediators/conciliators were "stretched" with their time.

> "Even though availability was quick, they are on a strict timeline and have lots of people to help. They showed us that they can help at any time of the day, but I think they are under a lot of pressure; more pressure than they need."
> **Participant in Post-Training Facilitation**

The document review indicated that, in 2011, the government invested one million dollar over two years to expand the delivery of dispute prevention services, and an ongoing funding of $500,000 annually was confirmed beyond the initial two years. To support the expansion of services and increasing demands, the document review shows that the program appointed eleven (11) additional mediators/conciliators in fiscal year 2014 to 2015 and added the role of a Director in Dispute Prevention Services in Headquarters in fiscal year 2015 to 2016.

The program also explored new ways to reduce costs by providing public workshops in collaboration with the provinces. These collaborations allowed Dispute Prevention Services and the provinces to share the costs associated with the implementation and delivery of these workshops to clients in the federal and provincial jurisdictions. Despite the new approaches adopted to reduce costs associated with services, and based on the views of key informants and the review of documents, there is an indication that Dispute Prevention Services could benefit from additional human and financial resources to support the promotion, expansion, and outreach activities of its services.

5.3 Governance and Human Resources Structure

The evaluation findings suggest the need for clear governance and accountability with respect to Dispute Prevention Services to improve the efficiency of the services.

The role of a Director in Dispute Prevention Services was created at Headquarters to coordinate the services with the regional offices, to provide assistance to mediators/conciliators (where/when needed), and to strengthen the marketing and communication of the services. The Headquarters of Dispute Prevention Services provides support and assistance to mediators/conciliators, on an ad-hoc basis, and based on the needs and requests coming from mediators/conciliators. While the Director of Dispute Prevention Services is involved in the design and delivery of workshops across the country, mediators/conciliators are self-directed in

determining and offering dispute prevention services[27], and consult with Headquarters for support in the design and delivery of the services. Requests for support from Headquarters vary from one region to another. Certain regions are perceived to be independent while other regions involve the Director in the design and delivery of services. The Director of Dispute Prevention also initiated projects, such as the design of new workshops (new topics), the "Facilitated Bargaining Project" and the delivery of Training Design workshops for mediators/conciliators to further enhance the quality of trainings[28]. As previously shown, the Director also collaborates with provincial and international peer organizations. While the human resources structure has been formalized[29] with the recruitment of the Director of Dispute Prevention Services, there is an indication that there are no formal national procedures for the design and delivery of the services.

As for the Human Resources structure, mediators/conciliators who design and deliver dispute prevention services do not report to the Director responsible of Dispute Prevention Services but to their Regional Directors who report to the Director General of the program. There is, therefore, no reporting line between mediators/conciliators and the Director responsible of those services in Headquarters. Mediators/conciliators, interviewed for this evaluation, consistently indicated that there is a need for further collaborations between the various regional offices and Dispute Prevention Services in Headquarters to discuss potential improvements, develop new initiatives, and determine new approaches to the design and delivery of dispute prevention services on a national level.

Dispute Prevention Services provides training workshops across the regions based on the needs of clients. Some program officials interviewed for this evaluation have raised a question around the efficiency of having different mediators/conciliators providing the same type of training workshops across the country, and if Dispute Prevention Services may benefit from dedicated resources to provide the same training to clients across the regions. Some respondents suggested that it would be beneficial to have a Dispute Prevention Services Committee or dedicated trainers in Headquarters to increase the collaborations between the regional offices and Headquarters in the design and delivery of dispute prevention services.

The current human resources structure and governance of dispute prevention services may be, therefore, hindering the program's ability to report on the performance and efficiency of Dispute Prevention Services.

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[27] Key informant interviews with program officials
[28] Document and Administrative Data Review in Support of the Evaluation of the Federal Mediation and Conciliation Service – December 2017
[29] Key informant interviews with program officials

6. Conclusions and Recommendations

Dispute Prevention Services addresses a demonstrable need, and there is an indication[30] that the need for dispute prevention services is increasing over time.

The services have demonstrated strengths and success in the following areas:

- Dispute Prevention Services was perceived to be unique by clients and program officials due to its approach (i.e. free of charge), target group (i.e. federally regulated employers), and high quality of services.
- The neutrality, experience, knowledge, and professionalism of mediators/conciliators were consistently appreciated and recognized by clients of Dispute Prevention Services.
- Through its collaborations with its provincial and international counterparts, Dispute Prevention Services has contributed to influencing and supporting its external partners on both the national and international levels.
- Based on the experiences and perceptions of clients, there is consistent evidence that the services have contributed to improving communication between parties, and as a result, improved union-employer relationships and facilitated the negotiations of collective agreements. There is also an indication that the services helped parties resolve grievances, and better prevent and manage workplace conflict.

The evaluation identified the following recommendations for the services going forward. The program could:

1. Further explore the promotion of dispute prevention services and outreach to potential clients in order to help prevent and reduce uptake of dispute resolution services.
2. Need for clearer accountability and roles and responsibilities between the regional offices and Headquarters in order to support the consistent and efficient management of services across the country.
3. Continue to improve data collection, and monitoring and reporting of activities and expected outcomes related to Dispute Prevention Services to better assess the contribution of the services in improving union-employer relationships, preventing labour disputes, and facilitating negotiations of collective bargaining between parties.

[30] As revealed through the various lines of evidence (document and administrative data review, and views of clients and program officials interviewed for this evaluation)

Appendix A: Evaluation Questions (Phase I & II)

Phase I
Relevance
1. To what extent does the Federal Mediation and Conciliation Service continue to address a demonstrable need? 2. To what extent does the Federal Mediation and Conciliation Service align with government priorities and departmental strategic outcomes? 3. To what extent does the Federal Mediation and Conciliation Service align with federal roles and responsibilities?
Effectiveness
1. To what extent are the Federal Mediation and Conciliation Service's dispute prevention activities helping parties to prevent conflict and improve relationships? a) Has the number of clients who have benefited from dispute prevention services increased? b) Are clients who have participated in the Federal Mediation and Conciliation Service's dispute prevention activities better equipped to reach a collective agreement in a collaborative and efficient manner during their next round of collective bargaining? c) Do dispute prevention activities help parties better prevent and manage workplace conflict during the closed period of the collective agreement? d) Are clients who have used grievance mediation services more effective in addressing future grievances? e) Are clients who have benefited from follow-up(s) on strategic preventive activities better equipped in preventing and/or addressing future grievances? f) To what degree are the training workshops promoting a more collaborative approach to collective bargaining? g) Are clients who have benefited from both training and post-training facilitation able to apply learnings more effectively than clients who have not received any post-training facilitation? 2. To what extent are employers and unions aware of dispute prevention services offered by the Federal Mediation and Conciliation Service? 3. To what extent does the Program influence and support the work of other Canadian provinces as well as international partners in the area of dispute prevention?
Efficiency and Economy
1. Does the Program have processes, data and tools in place to monitor and measure its progress in achieving expected results from its dispute prevention activities? 2. Is the national strategy and other initiatives to expand preventive activities and improvements and enhancements that have been made to the program in response to the last evaluation being implemented, and are these initiatives the most appropriate ones to improve the Program's efficiency and achieve expected outcomes? 3. To what extent has the Program made progress in improving data collection and reporting on its Program activities and results, as well as improving workplace efficiency and the use of resources?
Phase II
Effectiveness
1. To what extent are mediation and conciliation activities contributing to settling disputes related to collective bargaining and preventing work stoppages? 2. To what extent are arbitrators and adjudicators nominated in a timely manner?
Efficiency and Economy
3. Are the changes which have been made, or are being implemented, the most appropriate ones to support the achievement of program's expected outcomes?

Appendix B: Methodology & Limitations

The methodology for the Phase 1 of the evaluation is based on three lines of evidence, including a document review, an administrative data analysis, and two types key informant interviews. A description of each line of evidence and its limitations are described as follows:

1. Document Review

Program documents related to the Dispute Prevention Services were reviewed in order to understand its current context, as well as improvements made to the program since the last evaluation. The document review included internal documents produced by the program to support the expansion and implementation of initiatives related to Dispute Prevention Services, as well as a series of departmental, legislative, and other external documents. The document review also incorporated a review of feedback and testimonials received from clients who have received dispute prevention services in order to support the assessment of the effectiveness of the services.

Limitations

Overall, access to all relevant internal as well as external documents was a challenge. For the purposes of this evaluation, any questions that were not entirely supported by the document review were addressed through internal key informant interviews with program representatives.

2. Administrative Data Review

The last evaluation of the program found that there is a need to improve data collection methods and reporting mechanisms for the program. Since then, Dispute Prevention Services has made considerable progress by developing a new Access Database System to support the management and monitoring of information related to the services. The administrative data review included an analysis and review of dispute prevention services data covering the period between fiscal years 2013 to 2014 and 2016 to 2017. The administrative data assisted in determining the extent to which activities and outcomes related to dispute prevention services are being monitored, and if the database system and captured data are supporting evidence-based decision making.

Limitations

The administrative data review shows that data related to dispute prevention services lacked consistency and accuracy. In addition, the current database in place does not fully support the monitoring and reporting of expected outcomes related to the program (see Appendix B). This is due to the lack of information[31] that could support the measurement of the contribution of the services in improving union-employer relationships and negotiations of collective agreements. These issues will be addressed in more detail in the discussion of results and

[31] Potential information could have included the history of union-employer relationships, as well as centrally consolidated feedback from clients with respect to the full range of dispute prevention services

recommendations.

3. Key Informant Interviews

Seventy (70) key informant interviews were conducted to gather views of program representatives, clients (unions and employers), and external partners. Two sets of key informant interviews were conducted, and were structured in the following manner:

- Group 1: Thirty (30) key informants were interviewed to assess the relevance, effectiveness and efficiency of the services from the perspectives of program officials in Headquarters, mediators/conciliators, regional directors, external partners, as well select clients.
- Group 2: Forty (40) key informants were interviewed to address evaluation questions by type of dispute prevention service, and therefore, be able to assess the contribution of the various types of services on union-employer relationships and collective bargaining processes between parties. A detailed description of each type of service is outlined in Appendix C. The interviews were conducted with clients[32] who have received dispute prevention services in the last three years.

Limitations

Interviews were conducted with clients who were aware of, and who have received dispute prevention services in the last three years. There was a lack of information related to potential clients who have not participated in dispute prevention services, and who may have benefited from the services. Therefore, a comparative analysis was not conducted between clients who have received dispute prevention services, during the evaluation period, and potential clients.

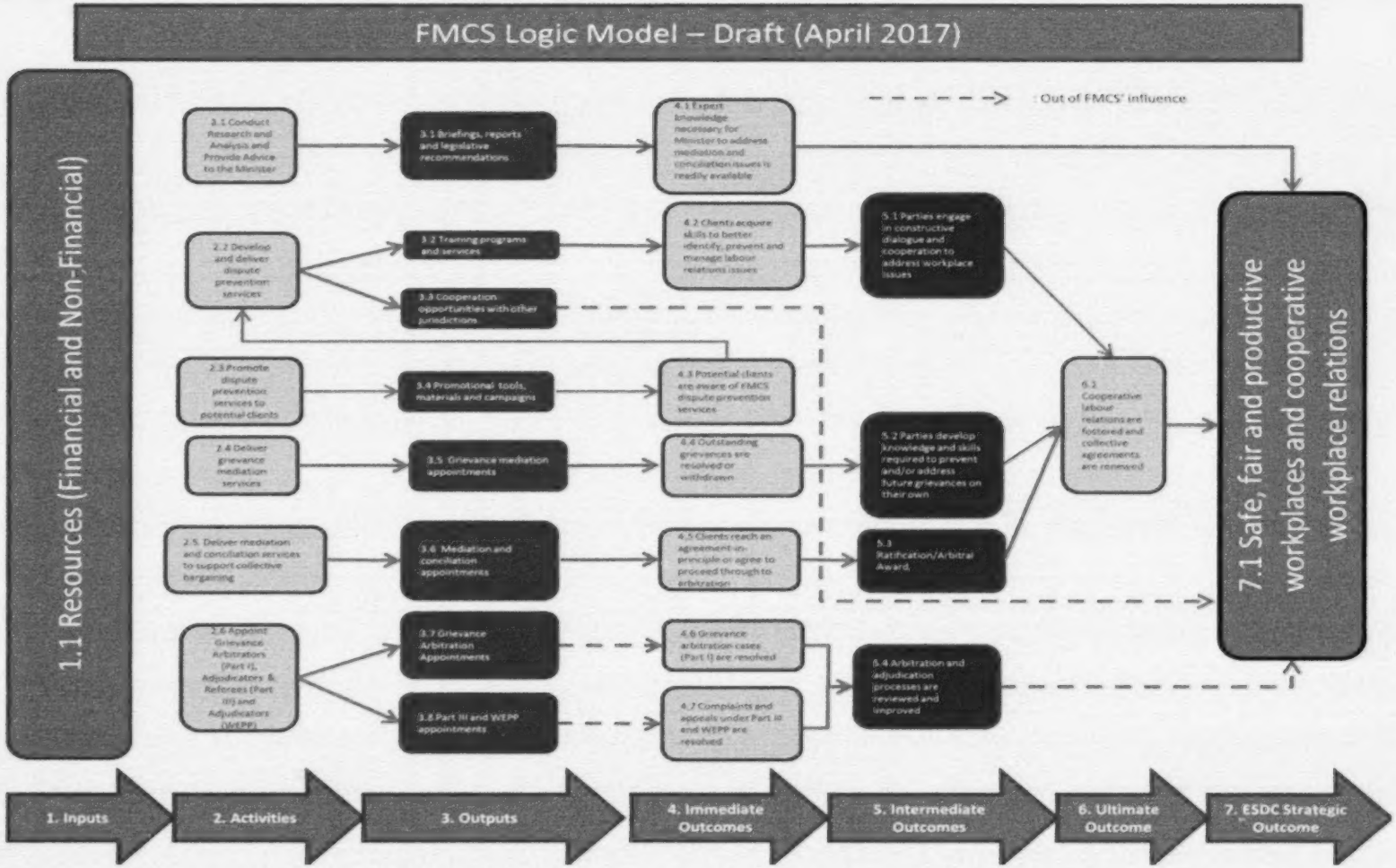
In addition, the limited sample size of participants in various dispute prevention activities did not allow for a quantitative assessment of the clients' awareness of and need for dispute prevention services.

Gender-based Analysis Plus (GBA+)

Dispute Prevention Services aims to foster cooperative labour relations between unions and employers. Based on the administrative data review, information to support a Gender-based Analysis Plus (GBA+) of dispute prevention services is not available.

[32] In this report, the term "clients" is equivalent to those who were interviewed for the purposes of this evaluation, and therefore, those who received dispute prevention services. It does not include potential clients who may have benefited from the services.

Appendix C: Program Logic Model (2017)


FMCS Logic Model – Draft (April 2017)
: Out of FMCS' influence
1.1 Resources (Financial and Non-Financial)
2.1 Conduct Research and Analysis and Provide Advice to the Minister
2.2 Develop and deliver dispute prevention services
2.3 Promote dispute prevention services to potential clients
2.4 Deliver grievance mediation services
2.5. Deliver mediation and conciliation services to support collective bargaining
2.6 Appoint Grievance Arbitrators (Part I), Adjudicators & Referees (Part III) and Adjudicators (WEPP)
3.1 Briefings, reports and legislative recommendations
3.2 Training programs and services
3.3 Cooperation opportunities with other jurisdictions
3.4 Promotional tools, materials and campaigns
3.5 Grievance mediation appointments
3.6 Mediation and conciliation appointments
3.7 Grievance Arbitration Appointments
3.8 Part III and WEPP appointments
4.1 Expert knowledge necessary for Minister to address mediation and conciliation issues is readily available
4.2 Clients acquire skills to better identify, prevent and manage labour relations issues
4.3 Potential clients are aware of FMCS dispute prevention services
4.4 Outstanding grievances are resolved or withdrawn
4.5 Clients reach an agreement-in-principle or agree to proceed through to arbitration
4.6 Grievance arbitration cases (Part I) are resolved
4.7 Complaints and appeals under Part III and WEPP are resolved
5.1 Parties engage in constructive dialogue and cooperation to address workplace issues
5.2 Parties develop knowledge and skills required to prevent and/or address future grievances on their own
5.3 Ratification/Arbitral Award
5.4 Arbitration and adjudication processes are reviewed and improved
6.1 Cooperative labour relations are fostered and collective agreements are renewed
7.1 Safe, fair and productive workplaces and cooperative workplace relations
1. Inputs
2. Activities
3. Outputs
4. Immediate Outcomes
5. Intermediate Outcomes
6. Ultimate Outcome
7. ESDC Strategic Outcome

Appendix D: Description of Dispute Prevention and Relationship Development Services

Training Workshops	Post-Training Facilitation	Public Workshops	Facilitation Services	Grievance Mediation
The program offers two types of workshops: Standard (off the shelf) and Customized (designed to meet client specific needs) Examples of workshop topics: • Interest Based Negotiations training; • Relationships by objectives workshop; • Committee effectiveness workshop; • Grievance Handling workshop; • Communications workshop; • Team Dynamics and Communications; • Respectful Workplace Workshop; • Post-work stoppages workshop; • Problem solving workshop; • Supervisor-steward joint training; Change management workshop.	Post-training facilitation consists of sessions scheduled after a training workshop, the purpose of which is to have participants apply the notions learned during the training to real-life situations. Example: After an Interest Based training, the mediator/conciliator schedules a few sessions during which the client (participants) apply the interest-based approach to resolve an actual workplace issue.	Public workshops are conference-style sessions open to anyone from the labour-relations community, usually attended by approximately 60 people from across the country. They are often organized in collaboration with provincial peer organizations. Other than gain knowledge and develop skill, objectives for our public workshops include: • bringing players from the labour-relations community together around a common topic • create optimal conditions for them to network and build relationships • create optimal conditions for them to discuss concerns and challenges, • create optimal conditions for them to develop greater awareness about the other party's issues, reality and perceptions • promote Dispute Prevention Services Though the main topic to date has been *Labour Relations and the Negotiations Cycle*, we have recently held a public workshop on the topic of Interest-based Negotiations. New topics being considered include Communications and Facilitated Bargaining Negotiations.	Mediators/conciliators offer their assistance to unions and employers who need the support of a neutral third party to help negotiate an issue or mediate a dispute or joint initiative. Example: mediation of a joint committee discussion about a given issue affecting both parties.	Mediators/conciliators offer grievance mediation assistance at the request of the parties. It provides them with an opportunity to meet and attempt to resolve grievances and their underlying issues with the support of a neutral third party.

Note: Prior to providing dispute prevention services, mediators/conciliators conduct diagnostic needs assessments with clients who would benefit from or have requested dispute prevention services.